IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 9TH OCTOBER 2006 / 17TH ASWINA 1928

Bail Appl..No. 5875 of 2006

CRIME NO. 609/2006 OF KOYILANDY POLICE STATION

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PETITIONER/ACCUSED:

KUNHIKANARAN, AGED 74 YEARS,
S/O. ANDI, MAPPILA VEETTIL,
VIYYUR AMSOM, VEMANGALAM DESOM.

BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
SHO-KOYILANDY POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR JAI GEROGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5875/2006

DATED THIS THE 9TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is accused of the offence punishable under Section 376 IPC, in crime No.609/2006 of Koyilandy Police Station, as he is alleged to had committed rape on a minor girl. She became pregnant and delivered a female child, on 5.9.2006. The petitioner had surrendered before the Court below on 8.9.2006. Hence this application, under Section 439 Cr.P.C.

2. The petitioner was given to police custody and the potency test is completed, submits the prosecution. However, the prosecution also submits that the petitioner may be directed to report before the Investigation Officer, for continued investigation.

3. In the above facts situation, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Koyilandy.

(b). The petitioner shall report to the Investigating Officer, on the next day of his release from the jail, between 10.00 a.m and 11.00 a.m., and thereafter, continue to report, for a period of three months, on the same day of every week.

(c). The petitioner shall not interfere with the investigation, attempt to influence the witnesses or threaten them or cause any hindrance to the smooth conduct of the trial by the prosecution.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs